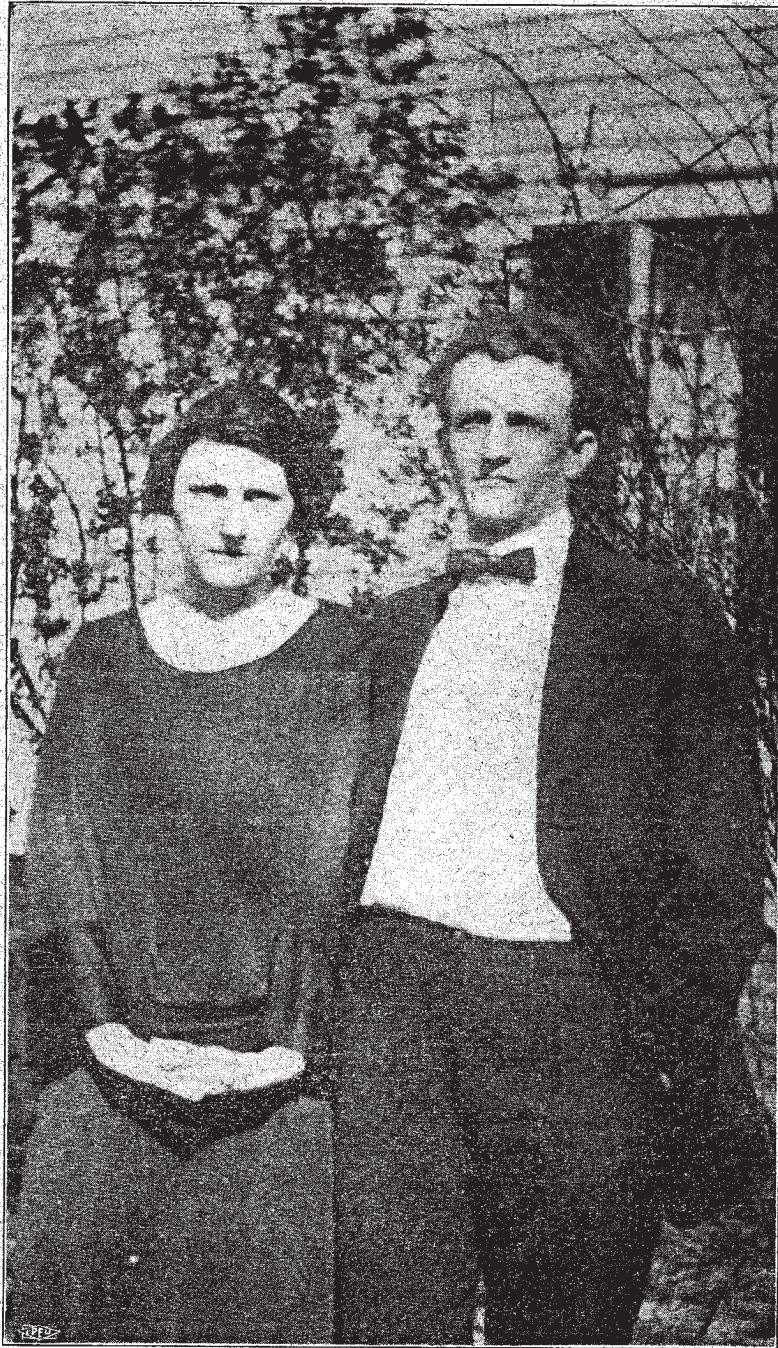

The Haverhill Frame - Up



Price, 10 Cents.



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1923



Mr. and Mrs. John E. Merrick.

WHY MERRICK?

What is the reason for his arrest?

Can you think of any reason why he should be arrested?

Can you believe that a man who has lived all his life in a certain community would plant a bomb in that community among his friends and neighbors, knowing the danger thereof? Can you see how he would gain anything by planting the bomb? Can you see how the union would gain anything by planting the bomb? What could be gained, beyond universal discredit?

Consider a while the industrial background. Maybe it will help to explain why Merrick was arrested.

Back in 1916 the shoe workers of Haverhill had the poorest working conditions and the lowest pay of any workers in the industry. From that year dates the organization of the great majority of the workers now members of the Shoe Workers' Protective Union. The S. W. P. U. has unionized the industry from the basement to the roof, now including all workers in the shoe factories, the wood heel factories, and as well, those who make the wood and paper boxes in which the shoes are shipped.

Since the first of July, 1919, the Haverhill shoe workers have had the five-day week. Other shoe workers secured it but lost it during the so-called "re-adjustment" period. Other centers gained wage increases during the war period, as Haverhill did, but lost them through "re-adjustment." The Haverhill workers have only suffered one "adjustment," a minor wage cut in 1921. The Haverhill workers have won practically all their strikes, which have been numerous.

Our limited space makes it impossible to give a complete story of the activities of the S. W. P. U. for even the one year of 1922. Enough to say that it comprised not less than twenty strikes in the city of Haverhill. What hurt the manufacturers was that they were successful in nearly all these strikes. What hurt more, they won several injunction suits, forced the employment of locked out members and organized shops never before controlled by any union. The most striking incident of the year, however, is that the S. W. P. U. was the most important factor in winning a strike for the Cooks and Waiters' Union in fifteen restaurants of the city.

Besides that the Shoe Workers have always been ready to lend a helping hand to other hard pressed unions. They have given strong financial aid to many unions in and around Haverhill. Here is a partial list of their donations to union groups in difficulties:

Donations.

To Mooney Defense.
 To Centralia Defense.
 \$700 to Lawrence textile strikers, O. B. U.
 Two truck loads of food to Lawrence strikers.
 Over \$500 to Rochester S. W. P. U.
 Several hundred dollars to striking Railroad Shopmen.
 A considerable sum to the Haverhill Pattern Makers.

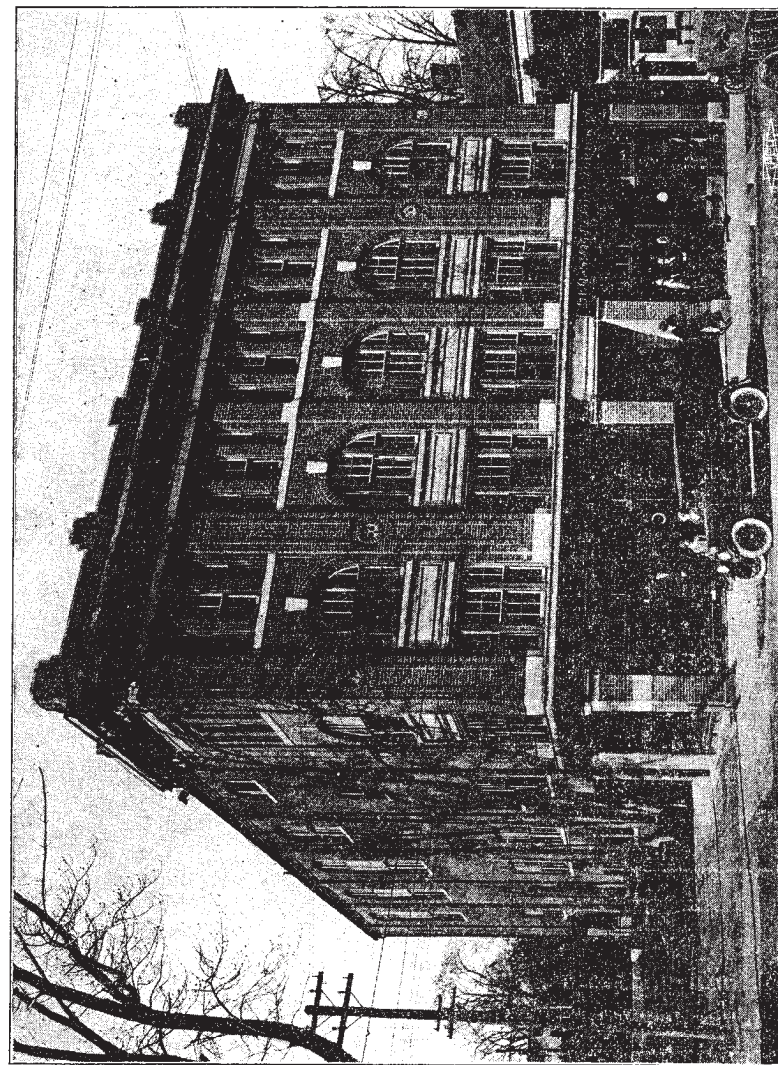
Loans

\$2,000 to Lawrence O. B. U.
 \$2,000 to Rochester U. S. W. A.

Besides this they have assessed themselves heavily for the benefit of the Manchester strikers, U. S. W. A.

Now, if you think this is an honest-to-goodness prosecution, listen—

On January 6, 1923, just two days after a suitcase of dynamite was found at Knipe Brothers factory in Haverhill, Mass., an editorial appeared in the Haverhill Evening Ga-



Showing the headquarters of the Shoe Workers' Protective Union. In this building are located the general offices and meeting halls of the Union.

zette, the leading paper of the town, from which we quote the following:

"* * * We have suffered from nearly every industrial disturbance on the calendar. Thousands of idle men and women have walked our streets while the echoes of strikes and riots were still fresh in the public mind. We have gazed upon the widespread circulation of radical propaganda, permitted the most liberal latitude of speech in unhampered meetings of the Soviet, listened to the deft of the Reds, and * * *

"Now, the dynamite! * * *

This in itself perhaps would escape notice were it not for the editorial that appeared four days later in the same paper, Wednesday, January 10th, 1923, and evidently written for the same purpose:

"* * * The lesson of the moment is not indulgence in cynicism or pessimism or in unfair criticism of police authorities. It only demonstrates the necessity for a greater vigilance in guarding against the perils incident to community life menaced by the operations of radicals and the Reds * * *

Do you see the purpose of these editorials?

In the light of what followed let us examine the previous record of JOHN E. MERRICK. For a number of years Merrick had been active in union affairs. He has also been active in liberal and radical circles in the city of Haverhill. His life has been one dedicated to the work he liked best—organization and education of his fellow-workers.

At the first meeting after Merrick's release on bail Local 12 of the Shoe Workers' Protective Union voted \$100 to help pay the expenses of his defense. It is significant that the Local Union of which he was a charter member was the first to rush to his assistance. The men who knew him best—the men with whom he had worked both in the shops and in the Union, pledged their belief in his innocence in a substantial and convincing fashion. What better tribute could

a man want after years of loyal service to his fellow workers?

As a result of many union activities during the past few years he has been subjected to many interrogations by local and Federal officers.

Since the organization of the S. W. P. U., Local 12, of which he is a charter member, he has been very active in union affairs. Like all other men who do things constructive in behalf of labor he has been "legally spanked." He has been "spanked" by the manufacturers in his district by being discharged from place after place for no apparent reason. Day after day he walked the streets in search of employment. Unable to secure this, he established a small automobile repair business at the rear of 17 Essex street, Haverhill.

Even at this place the "spanking" continued. Stories have gone out about his business, the result of which has been that for the past year he has eked out a bare existence.

SIC'ING 'EM ON."

Days have passed since the publication of the two editorials spoken of. Yet day by day the newspapers contain articles purporting to be statements from and about police officials, some of which read as follows:

"It is known that the police are looking for suspects in this city. Some developments may be expected within the next few days."

"State and local police investigating the case in this city state there are no developments." and many more statements of this character, which can only be looked upon as "short jabs" at the police department for their failure to turn up some one. This some one, of course, being a person or persons who would fit in with the editorials appearing a few days after the supposed find, and already quoted.

"NOW THAT MAKES IT WORTH WHILE."

The Haverhill Evening Gazette of January 16, 1923, carried this notice:

"A reward of \$2,000 for the arrest and conviction of the party or parties who placed the suit-case containing 78 one-half pound sticks of high proof dynamite, near Knipe Brothers factory, on the night of January 4th, was offered this morning by William A. Knipe, owner of the Knipe factory. **He offered the reward after a conference this morning with Captain Irving G. Hussey.**" (Black-face ours.)



CAPTAIN IRVING G. HUSSEY.

Who is credited with being present at a conference when reward was offered.

With the quoted editorials in mind and a substantial reward offered for the arrest and conviction of the guilty party, what could be more desirable, what could be more profitable

and, above all, what could be more agreeable to the public press than to prove they were right? Even before any investigations were made, even before the slightest clue was obtained, this erstwhile dispenser of public opinion pointed the finger of suspicion at the "dangerous Reds." We all know that this is usually the bible of every policeman.

Like all Reds, in their imagination, he must be a foreigner. So, to fit in with the program, they write a story telling about a foreigner some 30 years of age, dark complexioned, weighing about 160 pounds, who was seen taking the suit case to Knipe Bros. factory. Now Merrick is light complexioned, decidedly so, weighs not over 135 pounds and is well known in Haverhill. But even this slight mistake in identity on the part of the "Protectors of the Community" was all explained to their entire satisfaction when the newspapers decided that the man was a "Red." So light or dark made no difference; the deciding color was **Red**. Then, too, perhaps \$2,000 can so distort a man's vision that it might affect his color scheme.

A QUEST FOR A MOTIVE.

As our able sleuths say, "there is always a motive for every crime." Let's see how it applies to this frame-up.

For some months past, the shoe workers in that district have been struggling to maintain their union; fighting against the usual odds and methods. An apparent attempt has been made to connect them with any and all disturbances in Haverhill and vicinity. In spite of these things, their union has grown by leaps and bounds until it is now recognized as the strongest shoe workers' union in the United States.

Well, what is the motive?

Surely the manufacturers are not pleased with the growth of the Shoe Workers' Protective Union. It has never yet been recorded that they were pleased with the growth

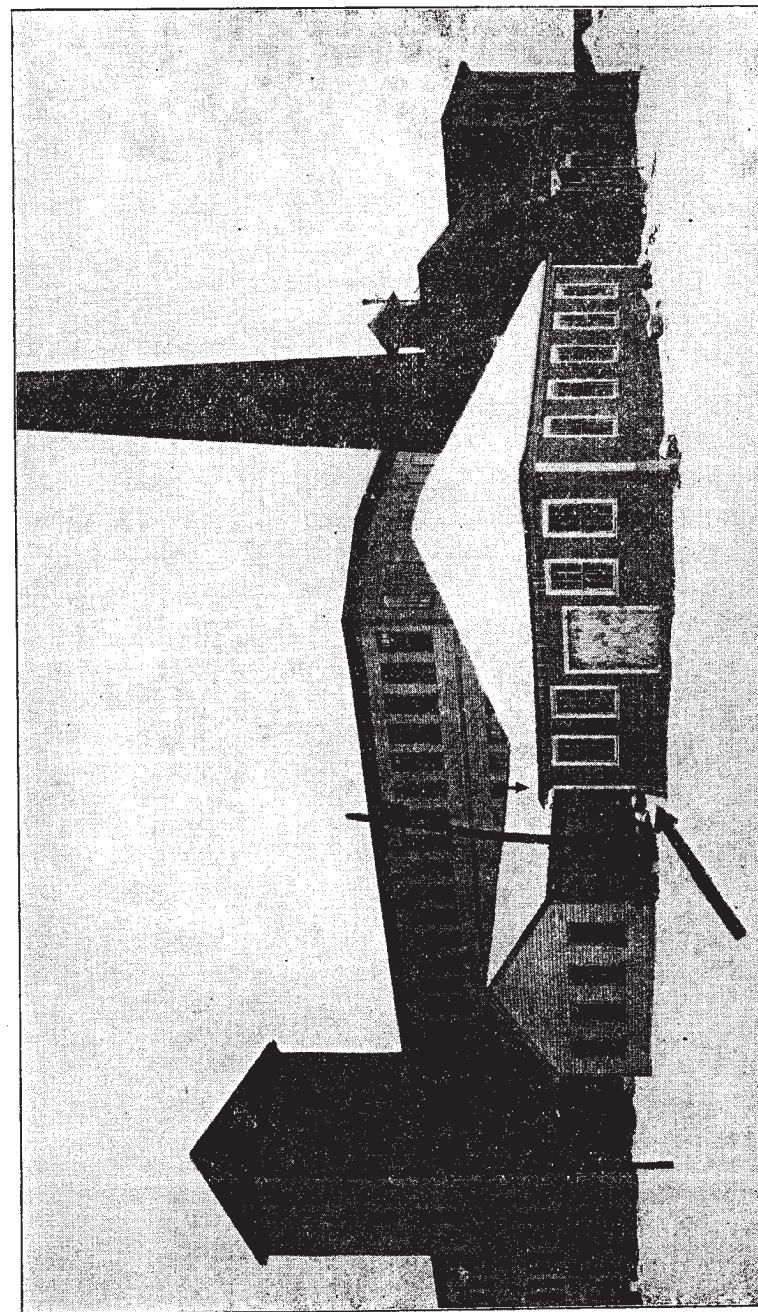
of any labor organization. Mere trifling incidents like pointing the finger of suspicion at pickets and organizers of the union had not produced the desired results. The union still grew. Daily it became more "respectable." It was time for action.

A situation had arisen whereby the workers had become so arrogant and modern that they not only expected but demanded and received a five-day week. Of course this usually is quite pleasing to a boss. The best illustration of this pleasure on the part of bosses is found in the usual successful method applied by them to secure immediate results. These are best exemplified in the Lawrence Case, the Mooney Case, the Ludlow Massacre and many pitched battles in the mining districts, each and every one of which has been laid directly to the hirelings of the bosses.

We are still seeking a motive.

In the summer of 1922 a strike broke out in the factory of the J. H. Winchell Company. The Winchell company, which was organized under the Boot and Shoe Workers' Union, has always been far behind the factories of the Protective Union both in wages and conditions. In 1921 the workers in that factory were reduced from 20 per cent to 40 per cent in their wages and again in the summer of 1922 the State Board of Conciliation and Arbitration awarded another reduction which brought down their wages in some cases to a point below any that they had known in twenty years prior to the war.

When the award was made members of the State Board, officials of the union and the firm said that they did not think it would be good policy to make the price lists public. The workers did not know what they were to receive until they got their pay envelopes. When they learned the scale they held a shop crew meeting in protest. They were told if they did not like it they could get out. 550 out of 600 got out.



Showing rear view of the factory of Knipe Bros. Inc. Arrow points to the passage way at the end of which the suit-case was "found."

They were denied a place to meet by their own union and requested the S. W. P. U to allow them a hall in which to meet. This was granted, but the S. W. P. U. refused to accept their applications for membership, advising them to stand by their union affiliations. It was only after several weeks of the strike that the Protective Union decided to accept them and carry on the fight.

While this strike was still in progress, early in November, the workers of the Knipe Bros. plant were forced out on strike. Immediately the viciousness of the anti-labor fight came to the fore.

Stool pigeons were discovered in the unions, planted there to incite trouble. Feeling ran high, and required much persuasion to keep it down. The strike wore on through two months, with every indication that the union would win.

January first arrived: the workers of four factories were out. The manufacturers faced a dilemma. They must sign the contract or bust the union. To sign meant many thousands of dollars out of their profits. To break the union meant cheap labor and long working hours. The union was holding its own. It had almost perfect control of the situation. It had forced the owners into conciliatory conferences. But the intensity of the struggle was unabated though the prospects for a settlement were good.

If the manufacturers were to win, the strike must be prolonged or the union discredited. To prolong the strike seemed useless. The S. W. P. U. had its coffers full. It was prepared for a siege of many months—but profits and trade depend on a constant market and the Spring orders were coming in. The thing had to be settled. All right!

Discredit the union. What could be more simple?

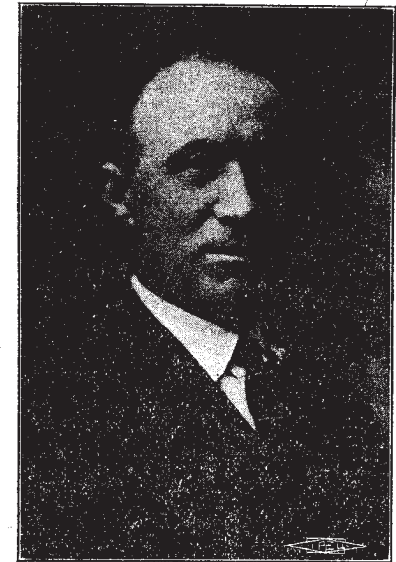
Take it, if possible, from its highly effective standing

and make it so decidedly unpopular that the members would leave it like rats abandoning a sinking ship.

But how?

Why ask such a question when the papers carry accounts every day about the accommodating detective agencies?

Right here let us pause and ask the manufacturers how



SERGEANT JOSEPH U. RYAN.
Who claims that he found "evidence"
against John E. Merrick.

many of them do not employ agencies of that kind Ah! Not a hand is raised.

So, the plans go on. "We will have nothing to do with the dirty work ourselves. Haven't we read time and time again how the Burns Detective Agency and their kind have solved the problem for us? Why not dynamite? That will solve it better and quicker than anything else—**BUT** be careful not to destroy too much of our property.

We will stand for a little bit. BUT be careful. Only do enough to discredit. Remember, we are not so much concerned about damaging anything as we are about discrediting the Union—**BE CAREFUL.**”

Let us see what Mr. Knipe had to say about this bomb that would not explode. Let us draw a few ideas from his preliminary testimony. We are still in search of a motive.

To begin with, Mr. Knipe testifies he has a watchman whose duty it is to make trips all over the plant. In addition he has the duty of spending a good deal of his time carrying ashes and doing other work very close to where the suit-case was found.

Mr. Knipe also had a trained watchdog to guard his factory.

Q. “Do you have a special watchdog there in addition to Mr. Finnegan? (the watchman.) A. Yes, sir; we have him there. We keep him there; that is his home.” But neither of these guardians reported any uneasiness during the night. *(P.9).

In direct testimony at the preliminary hearing Mr. Knipe testified:

“Well, they had this bomb, as they call it, you know—the men in the shop that found it at the back door. Mr. Smith and Mr. Lee, the engineer, and Mr. Henderson. They were all three there—in the little store house there just back of the factory just a few feet from where it was found.” *(P.4).

Under cross examination he testified that he arrived at the factory “a little past seven; twenty minutes or something like that” of January 5th. *(P.15).

Q. And then you went down to see the valise? A. Yes.

Q. Now when you got down to this storeroom, Mr. Knipe, tell me what you saw. A. I saw a valise and a clock

work in it, and that, that I have explained, the battery and the coil and the powder and the fuse—it was standing in the storehouse on some barrels or some boxes—

Q. Did you see any wires sticking out of the suitcase?

A. Yes—well they stuck out about four or five inches—in separate pieces.

Q. Those two wires were disconnected, were they not, Mr. Knipe? A. Yes.

We have quoted from Mr. Knipe's testimony to show his familiarity with the bomb. According to Sergeant Ryan's testimony, supported by Mr. Lee and Mr. Smith, Knipe's employees:

“Mr. Knipe and I put it (the suitcase) into his (Knipe's) auto and brought it to the police station—the 4th—when I got back to the police station between nine and ten we opened it up.” *(P.133).

On cross examination Mr. Knipe testified:

Do I understand now you want to change your testimony to this effect, that you didn't see the suitcase at any time at the factory? A. That's right, I didn't. *(P.30).

Q. So this evidence that you gave that you saw the suitcase in the storehouse and also the evidence that you gave Mr. Griffin of being in the storehouse with Mr. Smith and Mr. Lee and the two Hendersons present was not correct? A. No, that is not correct. I didn't see it at all.”

Let's go back and reason it out.

Mr. Knipe says he first saw the suitcase in the factory on the morning of the Fifth, the day after it was found. Sergeant Ryan, the police officer says, and is corroborated in saying, that he and Mr. Knipe took it to the police station on the morning of the Fourth in Mr. Knipe's car. Mr. Knipe says he was home sick on the morning of the Fourth.

Then Mr. Knipe says he did not see the suitcase at the factory at all—that he first saw it at the police station.

But he has a vivid mental picture of the suitcase, dynamite and all, standing on a box or barrel in the factory store room. The dynamite has never been removed from the factory, according to Mr. Lee, who has been delegated by the State Police to take charge of it. Certainly it has never been at the police station.

Now, where and when did Mr. Knipe see that 'bomb'? Where did he get that mental picture? Is it possible that he got this picture before the bomb was planted? Think it over.

Do we need look further for a motive for this crime? Let us assume one. The workers had everything to lose by planting a bomb. Who had anything to gain?

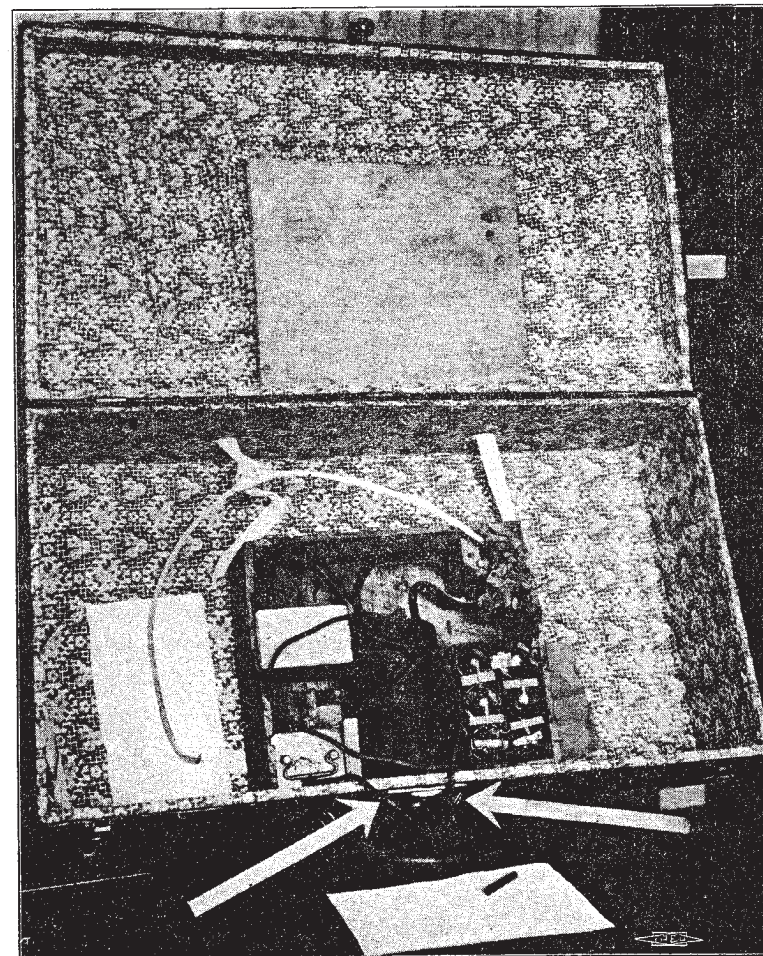
According to the sworn testimony of the arresting officer, Joseph U. Ryan, we find among other things these statements:

"Q. Do you remember whether or not you went to Mr. Merrick's garage before this morning of January 22nd? A. Once, Friday the 19th—some time during the morning—I walked in, didn't see anybody—started up the stairs—I stepped into the boiler room—talked with the young man in there—then we left there and came up and stayed in Merrick's place and talked there for probably—five minutes—I used my eyes, I didn't search." *(P.229).

"Q. Why didn't you apply for a search warrant. Why didn't you get it on the 19th of January when you wanted to go down to Merrick's garage? A. Because I would have to take oath to certain things and I didn't know whether they were there or not." (P.233).

Here it is interesting to note that Merrick was not arrested until the 22nd day of January, three days following the

visit to his shop by Mr. Ryan. Again, under cross-examination, Ryan admits another visit to Merrick's shop on the



Showing interior of suitcase said to have been found at Knipe Brothers factory. The arrows point to the two wires that were not connected, thus making it impossible for the "bomb" to have exploded.

morning of January the 22nd, and later admits three more visits, making five in all.

Ryan has already admitted he knew about the reward of \$2,000 for the arrest and conviction of anyone in connection with this case.

Let us read from his sworn testimony about the reward:

"We brought Merrick back with us—from the garage to the police station—Mr. Kirlin, Mr. Merrick and myself. Q. And this was two days after the reward was offered, wasn't it, Officer Ryan? A. I couldn't say when the reward was offered. I know the reward was offered, but I couldn't say when the reward was offered." *(P.247).

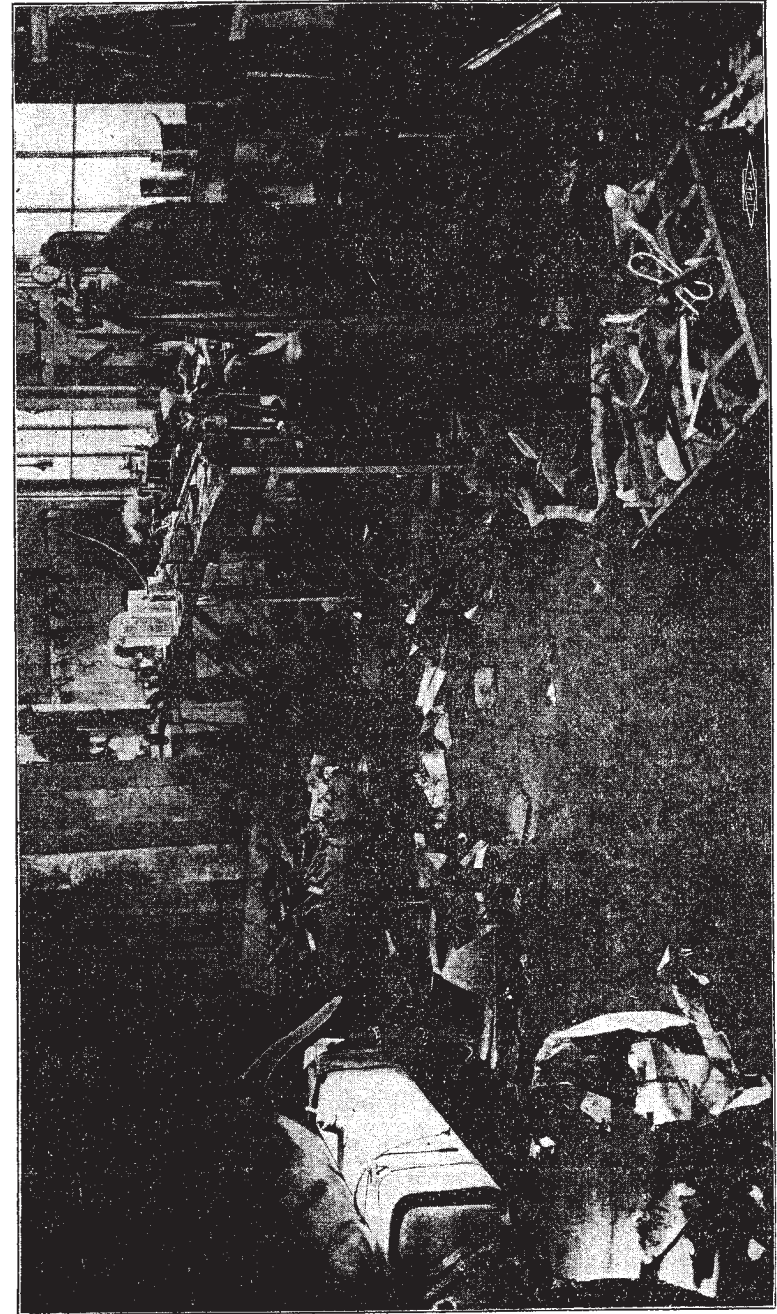
Surely he could not be accused of being so interested in the reward that he would lose anything out of his pockets that might be later found and used against the defendant, Merrick?

When the shop was later searched by Ryan, in company with two other officers, however, certain things were "found." Down on the floor amongst old pieces of scrap iron, old bolts, etc., we are told by this same Mr. Ryan, he found certain things that match up with the things used in the manufacture of the so-called bomb.

It is well known to the defense that Merrick's shop was never locked during the day and often in the evening, and that on many occasions during the period of time between the finding of the suit-case and his arrest, his shop was entered at night by **someone**—things were moved—other things taken, including certain literature and books of record in Merrick's shop.

Here it is quite pertinent to note that the discovery that his shop had been entered several times and that things were missing, was made by Merrick at least six days before his arrest.

How wonderful. How strange. How generous of a police officer to be so thoughtful of a prospective prisoner. The first time it ever happened to a "Red!" If it were not so



Auto repair shop of John E. Merrick. Graphically showing the result of a "fishing" expedition by the police. It was in this shop, after a number of visits, that the police claim they "found evidence" of a nature to connect Merrick with the suit-case.

tragic wouldn't it be funny to see a police officer who admits he has been on the force for a number of years, hanging around Merrick's shop like the proverbial 'Dutchman hanging around the bung-hole of a beer keg at a picnic'?

And for what? Who framed Merrick? Who put the things in his shop that directly connected him with the suitcase? Which is easier to believe? Did Merrick know these things were there and then, as is testified to by the arresting officer, say, "Go up there and help yourself," or would you rather believe these things were placed there by someone intensely interested in the reward?

We believe in Merrick's innocence. We want you to know the facts. We are willing to place them before you. We want you to be our jury. There is no doubt that the other side of it will be fully told by the newspapers.

Let us put the question squarely up to you.

Let's suppose for the moment that Merrick was the one who manufactured this so-called bomb. Can you conceive of anyone knowing as he must have known, if he was the person who manufactured it, that there were things in his shop which would connect him with the manufacture of it, that he would be foolish enough to leave the back of an alarm clock which exactly fits the alarm clock found in the suitcase, certain wires, etc., which could be readily traced to him, and which Ryan **now says** were found in the shop?

If you can so distort your mind to believe this true, then how do you account for his statement made to the police at the time of his arrest, when he knew full well his constitutional right to demand a search warrant before his place was searched and knowing this right, made the statement accorded to him by the arresting officer, who in his sworn testimony states as follows:

"I asked him if he would step down to the police sta-

tion; Captain Hussey wanted to see him. He said, 'certainly' and we took him down to the police station—this was on the 22nd of January the day, we were in the Inspector's office. He was asked by State Officer Griffin if he had any objection to us going up there and searching the place. He said, 'No, go ahead. Go up there and help yourself.' * (P.145).

Can you conceive how any intelligent man (and it is admitted Merrick is intelligent) having any consciousness of guilt, would make a statement as above quoted?

Well, let us suppose that even yet you are still doubtful? Take the suit-case itself. This was "found" at 7:30 on the morning of Jan. 4th by Eddie Smith (a non-union employee) of the Knipe Bros. shoe factory at Ward Hill. It was preserved in its original condition until it was examined by experts of the Commonwealth of Massachusetts. These same experts state that it was absolutely impossible for it to have exploded, due to the fact that two wires were not connected. In other words, Merrick is supposed to have made a bomb which was not a bomb, because it would not explode—still he is held because of the theory that had these wires been connected, it would have exploded.

Let us assume again that Merrick really did make the bomb to blow up the Knipe Bros. factory for some supposed wrong. Is it probable that he would go to the trouble of purchasing the different things necessary and assembling them and then expose himself in the planting of it, all to the end that it could not possibly do any harm?

Can you think of any reason why a sensible man would do a thing of this kind?

Or does it occur to you that this might be the usual method, the motive and last resort employed by the haters of

*Refers to pages of the court transcript where the quoted testimony may be found.

organized labor to discredit the Union? What seems the most probable in your mind? We leave this to you.

We ask you to judge for yourself. We ask you to think back over the things you have already read in the newspapers pointing out "the terrible activities of the supposed Reds," the many supposed things they are supposed to have done in Haverhill and vicinity—we ask you to judge Merrick on this basis.

If you think you are justified in believing he could possibly have committed the crime for which he has been arrested in this case, we ask you to forget it. If, on the other hand, you believe, as we believe, that he is a victim of a frame-up on the part of the manufacturers, detective agencies, etc., then join with us in his defense. Not only must you do this in words, but in actions.

As usual, in cases of this kind, the liberty, not only of the individual, Merrick, but the happiness and better conditions of the workers in the entire shoe industry are involved.

The whole case of the prosecution is predicated upon such material as has been already outlined in this pamphlet.

The press does not publish things that are helpful to the defense—proof of this is: we doubt if the reader has ever heard the statements already mentioned herein.

It is, therefore, necessary to acquaint the public with the true facts in this case. We must prevent, if possible, the railroading of Merrick. This being true, it becomes the duty of every working man and woman to rally to the defense of this case.

Funds are urgently needed!

You must help!

You must do it now!

Organize and help organize protest meetings in your district. Do this as a Union man.

There is something you must do as an individual; that is, send in an individual contribution **TODAY**.

For this purpose detach the blank on the opposite page and mail it with your contribution.

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Date.....

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Friends:

Please accept my contribution to the defense of John E. Merrick in the sum designated below:

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